

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
MARCH 14, 2011
7:00 P.M.**

I. CALL TO ORDER

Vice Chair Staunton called the meeting of the Edina Planning Commission to order at 7:00 PM.

II. ROLL CALL

Answering the roll call were Commissioners Scherer, Forrest, Schroeder, Rock, Potts, Platteter, Cherkassky, Fischer, Carpenter, Staunton

Absent from the roll: Grabel

III. APPROVAL OF MEETING AGENDA

Meeting Agenda was approved as submitted.

IV. APPROVAL OF CONSENT ITEMS

Commissioner Carpenter moved approval of the February 22, 2012, meeting minutes. Commissioner Scherer seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

No comment.

VI. PUBLIC HEARING

**B-12-01 Setback Variance from Right of Way
Building Concepts and Design
4115 Morningside Road, Edina, MN**

Staff Presentation

Planner Aaker informed the Commission the subject property, is a corner lot located in the southeast corner of Morningside Road and Grimes Ave. consisting of a one and one half story bungalow with an attached tuck-under garage loading from Grimes Ave.

Aaker explained the applicant is planning to tear-down the existing home and replace it with a new two story home with an attached two car garage. The new home will conform to the entire ordinance requirements with the exception of the required setback from Grimes Ave. The new home is subjected to two front yard setbacks. The home must match the setback of the home to the east fronting Morningside and must also maintain the front yard setback of the home located south of the subject property fronting Grimes Ave. The home to the south fronting Grimes Ave. is 21.7 feet from the lot line adjacent to Grimes Ave. The existing home is located 10.8 feet from Grimes right-of-way. The new home will be 15 feet from Grimes, 4.2 feet farther from the street than the existing home. The proposed home will be more conforming than the existing home on the site.

Aaker concluded that staff recommends approval of the variances based on the following findings:

- 1) With the exception of the variances requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it is a minimal encroachment into the street yard area as is needed for the new home.
 - b. The practical difficulties in complying with the ordinances are the narrow building pad allowed by current standards and given lot width.

Approval of the variance is also subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:

Survey date stamped: February 27, 2012

Building plans/ elevations date stamped: February 23, 2012.

Appearing for the Applicant

Doug Johnson, Building Concepts & Design

Discussion

Chair Staunton commented that there appears to be building activity on the adjacent lot. Planner Aaker responded that the lot to the east was a recent tear down and now excavation and rebuilding is occurring.

Commissioner Platteter said when he visited the site it appeared to him that a window well was being dug right up to the property line. Aaker responded that there are no setbacks for "window wells, adding the new house will have an egress window on the lower level. Continuing, Platteter noted there are some large trees on this lot he would

hate to see removed.

Doug Johnson told the Commission that at this time a decision hasn't been made on tree removal, adding that was still being discussed his client. Continuing, Johnson added that his client was also considering leveling the south portion of the lot to eliminate a dip in the ground that collects water run-off.

Public Testimony

David Checchi, 4209 Morningside Road, stated he was against granting variances, adding he believes a builder should stick to the code. Checchi explained that the trend in his neighborhood has been for builders to push the envelope, adding in his opinion the majority of houses being built are too large.

Peter Bjerke, 4307 Grimes Avenue, commented that he's very concerned about the continued construction of new larger homes in the Morningside neighborhood. Bjerke said he's also concerned with the potential for drainage issues if the depression on the subject lot is altered. Continuing, Bjerke explained that the depressed area on the subject lot collects water; especially during the Spring from snow melt, and if this depression were altered the run-off has the potential to drain into his basement.

Chair Staunton asked Planner Aaker how drainage is reviewed. Planner Aaker responded that all drainage is reviewed during the building permit process. Expanding on her comment Aaker reported when a homeowner/builder pulls a building permit the plans are reviewed by a building official, planning and engineering staff. Concluding, Aaker said that new construction cannot create a drainage issue for adjoining properties.

Commissioner Fischer commented that it appears to him that run-off from the adjacent lots drain to this lot. Fischer asked what the City would do if the subject lot corrected this situation and filled in that depression. Aaker reiterated drainage patterns cannot significantly change as the result of new construction, adding if the depression were filled the run-off would need to be directed so as not to negatively impact the surrounding properties.

Commissioner Scherer asked Planner Aaker how close the house at 4307 Grimes (adjacent property) is to the subject property. Planner Aaker said the spacing is roughly 65-feet.

Chair Staunton asked if anyone else would like to speak to the subject. Being none;
Commissioner Carpenter moved to close the public hearing. Commissioner Fischer seconded the motion. All voted aye; motion carried to close the public hearing.

Discussion

Commissioner Forrest said that although she supports the variance she is a sad that Morningside is losing one of its historic bungalows. Forrest also commented that in her opinion the east façade of the proposed new house isn't as attractive as it could be. Concluding, Forrest suggested that if approved the engineering department needs to pay close attention to the drainage patterns in this area. She pointed out a new house is being constructed next door to the subject site and if you include the new house on this lot there's a marked increase in lot coverage. Commissioner Forrest asked Planner Aaker if the water run-off could be directed toward the street. Planner Aaker responded in the affirmative.

Commissioner Platteter commented that if drainage can't be directed to the street the Commission needs to make sure that drainage problems aren't created for neighbors when there was none. Aaker agreed; however, she pointed out if the subject lot wasn't a corner lot a variance wouldn't be required; the house could be constructed as presented without comment. The variance is due to the hardship imposed on this lot because it's a corner lot. Aaker pointed out the new house is actually reducing nonconformity. Concluding, Planner Aaker reiterated water run-off cannot be exacerbated as the result of new construction.

Commissioner Fischer said in his opinion this corner lot is a classic case to support granting a variance. Continuing, Fischer said if the variance were denied it would be unrealistic to force an owner to build a 22-foot wide house.

A discussion ensued with the Commission acknowledging the issue of tear down and rebuilds in the Morningside area and throughout the City. The Commission pointed out they continually wrestle with massing and the recent changes to the zoning ordinance reflect the concern of both the Commission and Council on massing. In this instance however, there is hardship to support the granting of the side street setback variance. The subject property is required to maintain two front yard setbacks; not one.

Motion

Commissioner Carpenter moved variance approval based on staff findings and subject to staff conditions. Commissioner Fischer seconded the motion. All voted aye; motion carried.

Commissioner Platteter commented that he lives in Morningside and it's been sad to see some of the redevelopments that have occurred in his neighborhood. Platteter acknowledged the difficulty in regulating the taste of the market; however, that doesn't make it less disappointing.

Planner Aaker stated she would flag the file to ensure that a thorough review was done

on drainage.

Vice-Chair Staunton reported that the public hearing for preliminary plat approval for JMS Custom Homes, LLC 6120 Brookview Avenue has been continued to March 28, 2012.

VII. REPORTS/RECOMMENDATIONS

Sketch Plan Review – 6500 France Avenue South, Edina, MN

Vice-Chair Staunton explained the Sketch Plan Review process was new to the Commission and its purpose was to give developers the opportunity to share their ideas with the Commission and Council without the expense of providing full plans.

Vice-Chair Staunton said at this time he is suggesting that the Commission comment on the Sketch Plan review in a structured form that encompasses three topics. 1) Land Use; 2) Site Plan; 3) Design Features.

Planner Presentation

Planner Aaker reported that the Planning Commission was asked to consider a sketch plan proposal to redevelop the Byerly's site at 7171 France Avenue. The applicant is proposing to tear down the existing Byerly's store and build a new 52,000 square foot Byerly's with a 96 unit 7-story apartment on top, and a second 19,000 square foot retail building with a 67 unit apartment on top. Parking for the building would be underneath the retail space. Loading areas would be behind the buildings facing the Promenade. (See page A8.) Primary access to the site would be off Hazelton Road, with a secondary access off France through the Macy's site to the south.

The existing property is zoned PCD-3, which allows retail as a permitted use, and multi-residential uses are conditionally permitted. (See page A5.) The applicant would be seeking a rezoning of the property to PUD, Planned Unit Development.

The applicant is requesting a Sketch Plan review to solicit comments from the Planning Commission and City Council. Opinions or comments provided to the applicant by the Planning Commission and City Council shall be considered advisory only, and shall not constitute a binding decision on the request.

Should the City decide to rezone these sites to PUD, the proposed setbacks, height of the building and number of parking stalls would become the standards for the site.

Planner Aaker observed while the proposal would be an improvement over the existing

building and use on the site, staff is not sure that the proposal would rise to the level of meeting the purpose and intent of the PUD above. The proposal is more typical of traditional suburban development, and does not create a pedestrian friendly environment or engage the adjacent streets or the Promenade. Boulevard style sidewalks along France and Hazelton Road should be added. Due to the retaining wall along France, the sidewalk may need to be located above the retaining wall, with set of stairs to get to the bus stop. Connections from the retail uses to these sidewalks should also be required in addition to the full connection to the Promenade.

Aaker also reported that a traffic study would need to be completed to determine impacts on adjacent roadways and the city engineer has expressed concern in regard to sewer capacity in the area. This issue would have to be examined closely as part of a formal submittal. Upgrades to the system, and cost sharing for those upgrades may be required.

Appearing for the Applicant

Greg Anderson, Anderson KM Builders

Applicant Presentation

Mr. Anderson introduced the development team; Paul Holmes, Pope Architects and Jennifer Kent/Lunds.

Mr. Anderson explained that Lunds Food is considering redeveloping their 9.67 acre site in two phases. Anderson said at present the site contains a 59,000 sq. ft. Byerly's grocery store. Continuing, Anderson explained that the intent of Phase I is to redevelop the site to include a 51,800 sq. ft. replacement of the Byerly's store with seven levels of market rate apartments above. Phase 2 would include constructing a 19,000 sq. ft. one level retail space with seven levels of market rate apartments above. Anderson said what's challenging about this redevelopment is that Byerly's would remain open during construction. Anderson also noted that at this time the project hasn't "signed" a residential partner; however those discussions are in the process.

Continuing, Anderson told the Commission in discussions with Byerly's it became apparent that it was very important to them that the stores main entrance orients toward France Avenue. Anderson also informed the Commission Byerly's has had discussions with Macy's on shared opportunities including access.

Paul Holms said in designing the project the buildings will address both France Avenue and the "Promenade" with the housing elements focusing on the Promenade, retail France Avenue. Holms pointed out that in reality the project is a mixed use project. Retail space would be oriented toward France Avenue and housing toward the promenade. With graphics Holms asked the Commission to note the location of the loading dock, adding the goal

is to shield the loading dock from both the promenade and residential aspect of the project. He added that plans to screen the dock will become firmer when a residential partner is on board.

Discussion on Applicant Presentation

Commissioner Fischer questioned the east/west orientation and south location of the new Byerly's building and asked the developers if this configuration was the result of the current grocery store having to remain open and the existing utility easement. Mr. Holms responded in the affirmative adding that grades also played a role in building configuration and placement. Continuing, Holms said another factor in building orientation and location was to separate the retail parking from the residential parking. Holms said another important aspect of the design was to eliminate semi-trucks from a front loading dock. A "front" loading mini dock would serve the deli and the rear dock semi-trucks. Fischer noted over the past few years the Commission has encouraged developers to design their buildings up to the street, adding in this instance the buildings are pulled away from the street similar to what exists today. Continuing, Fischer acknowledged this discrepancy; however he indicated he understands to be successful requirements for a large freestanding grocery store is different.

Commissioner Schroeder said his question is broad. He explained that the City recently adopted a PUD process. This process was put in place to enable developers and the City to achieve something they couldn't achieve through the regular rezoning process. Schroeder asked the applicant what the community gets from this; what's the benefit.

Mr. Holms responded that the proposed multiple land uses and added density are of benefit by establishing a direct connection between retail and housing. This connection not only enhances the immediate area but the City as well by adding to the tax base.

Mr. Anderson told the Commission through this proposal Lund's would be investing in the community at large. Anderson noted that Lund's could proceed by building only a new grocery store; however they chose to redevelop the site as presented. Anderson pointed out that the existing Byerly's is tired and if the project were approved the community would get a new piece of real estate and expanded tax base.

Commissioner Scherer said when she first viewed the sketch plan she was struck by the proposed use. Scherer asked if there was still a market for this type multi housing project. Mr. Anderson responded that Lund's retained a market analysis firm and they found that market rate rental property is in demand.

Commissioner Carpenter said that while he agrees that market rate apartments are now in demand, he's not sure how that will fair in the long term. Mr. Anderson responded that it's hard for him to know if this is a risk, adding there's always a risk in development; you can either be ahead of the curve or behind it.

Commissioner Platteter asked if Lund's ever considered acquiring the restaurant to its immediate east. Mr. Anderson reported that Lund's has been in contact with that owner; however, at this time the discussion is in the preliminary stage and a deal hasn't been struck.

Vice- Chair Staunton said at this time the discussion would focus on the proposed land use. Commissioners expressed the following:

- Support the mixed use aspect of the project – use is good
- Building height doesn't appear to be an issue.
- Suggest that the developer study the ordinance as it relates to mixed use and implement those goals and standards.
- Consider encouraging a more active environment – use imagination; such as an outlet for local artists to display their art, etc.
- Make it stellar.
- Lingering concern on the housing market.
- Develop the site with vision; how will it be relevant 10-20 years from now.
- Create an area where people want to live, work and shop.
- Embrace the importance of the Promenade.
- Create a village feel.
- Create a space where people want to stay and where they don't have to drive.
- Ensure that the site is developed in such a way that it provides a positive experience for the people already there – the shopper's at Byerly's etc.
- Create an example of how people gather. Have this be a positive experience for all; not just the residents of the project.
- Consider a public purpose for this area by creating go to and stay at areas within the site that encourages them to stay.
- Look at how to maximize the lobby and entrances by creating meeting spaces.
- Create better access throughout the site; especially to France Avenue. There appears to be no change from the France Avenue perspective.
- Consider relocating the main loading dock area; or at the very least screen it from the Promenade.

Mr. Anderson asked Commissioners if their concern about providing inviting "public space" was for the residents of the proposed housing or for the general public. Commissioner Schroeder responded that his intent would be for the developer to create an attractive place for everyone, retail patrons, residents of the project and the public at large. He added he doesn't know how that would translate but would like to see it happen. Commissioners agreed, adding opportunities to gather should be encouraged and can be created.

Vice-Chair Staunton introduced discussion on the "site plan". Commissioners expressed the following:

- There appears to be a lot of distance from France Avenue to the stores entrance, soften this.
- Keep the pedestrian in mind. Commissioners reiterated there's a lot of space between the front door of the proposed stores and France Avenue./Hazelton
- Create a place for bicycles.
- Concern was expressed on sewer capacity – ensure that it's sufficient and a ? on who pays for it if it needs to be increased.
- Note that Edina is moving toward the "Living Street" concept; keep that in mind with redesign.
- Consider separating the housing from the retail – more housing along the Promenade.
- Keep in mind ordinance requirements for utility equipment. (placement, screening, noise etc.)
- Could the number of parking spaces be reduced; has compact parking ever been considered to preserve green space. Ms. Kent responded that the width of Byerly's parking spaces is part of their branding and she doesn't believe those standards would be relaxed; however that can be discussed.
- Suggest better integration of the large vehicle loading dock into the site.
- Support the use of rain gardens.
- Reiterate the importance of promoting pedestrian access through the large front parking areas. Consider relief islands, a front expanded patio, pedestrian walkways/aisles to the bus stop area on France. Tie into the Promenade.
- Remember ADA standards – are there stairs and a ramp from the parking lot onto the sidewalk to France Avenue/bus stop. Is there even a sidewalk at the lower level on France. Be cognizant of what materials are used – pavers can cause tripping for walkers and vibrations for those in scooters.
- Consider having staff parking near the corner of France/Hazelton. Those parking spaces probably won't be in high demand.
- Ensure that the cross walks are clearly delineated; especially the walkway between Byerly's and the retail building. Add sidewalks?
- Has reconfiguration of the buildings ever been considered; especially the second building.
- Acknowledge that balance needs to be taken with the rear elevations of the buildings. Want them done correctly – they face either the Promenade or street. Mr. Anderson said that the residential component has separate parking acknowledging the site has no rear.
- The separation of retail parking from residential parking makes sense; however there's room for tweaking –
- How will the parcel pickup flow – will this work -
- Connectivity.
- The location of the loading dock works; however, it needs better screening from the Promenade.
- Maybe there isn't a sidewalk at the lower level – part of the larger system
- How are we getting people from France into the development.
- The utility easement running through the site is the real deal and does drive building placement.
- Two housing projects share one field of parking –that's a great strength.

The discussion ensued with Commissioners reiterating their concern with pedestrian access and travel throughout the site. Commissioners stressed the importance of sidewalks and wondered if France Avenue would ever be pedestrian friendly. Commissioners indicated they don't want to give up on that goal. Commissioners also acknowledged that grocery stores are different and accepted that the parking would be in front of the proposed buildings vs. their goal of having buildings address the street.

Continuing, Commissioners again stressed the importance of the Promenade. The Commission also suggested embracing the Promenade, adding it's a great amenity; not only for the housing aspect of the project but for the store as well. More screening could be added around the loading dock.

Vice-Chair Staunton directed the discussion to the design features of the proposed project. Commissioners expressed the following:

- Support expressed for building height
- From an architecture perspective make it look great; understand its sketch plan review but when/if the team comes back with an application go all out on this project.
- Be creative, be innovative.
- Think outside the box.

Vice-Chair Staunton thanked everyone for their participation in the sketch plan review process and he told the design team he looks forward to preliminary plans.

- **VIII. CORRESPONDENCE AND PETITIONS**

Vice-Chair Staunton acknowledged receipt of the Council Connection.

IX. CHAIR AND COMMISSION COMMENTS

Vice-Chair Staunton reported that the Grandview process continues. He told the Commission the comment period has been extended to March 28th. The Planning Commission is scheduled to review the Framework on April 11, followed by the City Council on April 17th.

Commissioner Forrest reported that she attended an Integrating Arts workshop. Forrest said she discovered that more could be done to promote Edina's artists.

X. STAFF COMMENTS

None.

XI. ADJOURNMENT

Commissioner Potts moved to adjourn the meeting at 9:25 PM. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker

Respectfully submitted